

### **Remarks**

Claims 1-6 and 15-20 are pending. Claims 1, 5, 6, 15, and 18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lucidarme, et al (US 6,615,035). Claims 2-4, 16, 17, 19, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lucidarme, et al (US 6,615,035) in view of Tatebayashi, et al. (US 6,859,535). Applicants respectfully traverse the rejections.

Claims 30-41 have been added. These claims find support in the application as originally filed in at least claims 1-6 and Figures 2, 4 and 6. No new matter has been added.

Regarding Claim 1, the examiner asserts that Lucidarme, et al. teaches a transmitter circuit, the transmitter comprising a storage section for storing operational parameters, a transmitter configured to transmit a signal having characteristics determined by the operational parameters, an external data store (referred to as PSTN), an internal controller which senses the state on an input terminal to determine whether an external controller is present or not present, where the internal controller operates to receive and store operating parameters from the external controller when it is present, and where the internal controller operates to access the external data store to obtain the operating parameters when the external controller is not present. The examiner further asserts that the determination of whether there is a SIM card inserted in the reader and the alternative way of downloading operating parameters from the PSTN of Lucidarme et al reads on “the sensing whether or not the external controller is present” of the present invention.

Applicants respectfully submit that Lucidarme et al. fail to teach each and every element of the claimed combination. Lucidarme et al. appear to teach a private base station system for cellular telephone communications, wherein a user’s SIM card from the user’s cell telephone is used to configure the base station for communication with the public network. It also appears to optionally provide for remote access to the user’s account data through a public switched telephone network (PSTN). In contrast, claim 1 is directed to a transmitter circuit having a transmitter section and an internal controller that senses whether the transmitter circuit is connected to an external controller. If the internal controller detects the external controller, then it obtains the operating parameters from the external controller for operation of the transmitter circuit. If no external controller is detected, then the internal controller obtains the operating parameters from an external data store.

First, one of ordinary skill in the art would not regard a public switched telephone network (PSTN) to teach the claimed external data store, as asserted by the examiner. The

PSTN is a communications network that is not part of the transmitter circuit and not an external data store that is part of the transmitter circuit. One of skill in the art would recognize the PSTN as a collection of systems connected together to support communications. Typically, for example, using the PSTN for retrieving data from a remote system requires a dialed number, call setup, and transmission and reception with the use of modems. In contrast, the claimed external data store may be accessed by an internal controller of the transmitter circuit, as claimed. The PSTN of Lucidarme et al. is not part of a transmitter circuit, as is set forth in independent claim 1, and, therefore, does not meet the limitation of the claimed external data store, such as a memory device, that is accessed by an internal controller to obtain operating parameters when the external controller is not present.

Applicants further submit that the SIM card cited by the examiner does not meet the limitation of an external controller as set forth in the claims. The examiner points to no teaching in the reference relied upon for the cited SIM card providing the function of an external controller. For example, the examiner points to no ability within the SIM card to execute stored program instructions for the purpose of communicating with the internal controller of the transmitter circuit in order to provide operating parameters to the internal controller for operating the transmitter section in accordance with the operating parameters.

Applicants also assert that the Lucidarme et al does not teach the use of either a memory or an external controller to obtain operating parameters, but instead appears to teach a base station that always requires a SIM card. The system described by Lucidarme et al. does not appear to provide a capability for stand-alone operation. In contrast, the transmitter circuit of claim 1 is configured to operate without an external controller if one is not present, in which case it uses operating parameters obtained from an external data store. The claimed transmitter circuit does not require an external controller for operation.

Further, Lucidarme appears to be unable to operate with only the PSTN, which the examiner incorrectly asserts is identical to the claimed external data store. The system of Lucidarme et al. appears to always require the use of a SIM card, which the examiner incorrectly asserts teaches an external controller, to configure the base station for operation. external controller (SIM). At a minimum, the SIM is used to get a parameter used to identify the user (e.g. IMSI). That is required to access the PSTN to get additional parameters. Col. 3, lines 58-62 indicate that the SIM is required for registration which anyone with average understanding of the art recognizes as a prerequisite for operation. It also indicates that the controller reads the IMSI from the SIM. Col. 4 lines 19-39 indicate the parameters that may be read from the SIM or the PSTN, and the list does not include the IMSI. This fact is also apparent in claim 1 of Lucidarme et al.

The rejection of claims 15 and 18 depend upon the rejection of claim 1. Applicants traverse these rejections based on the arguments given for claim 1. In particular, as noted above, The examiner points to no teaching in the system of Lucidarme et al. for operating a transmitter in a stand-alone mode.

Claim 5 recites “the transmitter circuit is configured to interface with the external data store using a pre-determined interface,” which is not taught by Lucidarme et al. One of ordinary skill in the art will recognize the claimed external data store as a digital circuit, while Lucidarme et al. teaches an analog PSTN interface per Col. 2 lines 51-55 connected to the PSTN which does not meet the limitation of the claimed external data store.

With respect to claims 2-4 and 16-17, and 19-20, the examiner has failed to show that each and every element of the base claims 1, 15 and 18 are taught by Lucidarme et al. and points to no additional teaching in Tatebayashi et al. for these elements. Therefore, these elements appear to be absent from the combination relied upon by the examiner and the examiner has failed to establish a prima facie case for obviousness with regard to these claims.

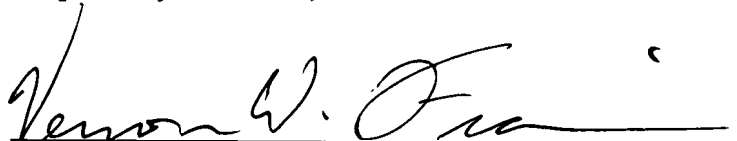
In addition, claim 2 recites a further refinement wherein the internal controller is further configured to receive a first input signal corresponding to a first event and, responsive thereto, access a first portion of the external data store. The examiner fails to show how the combination relied upon teaches this feature of the claim. The examiner asserts that Tatebayashi teaches a memory card reader that reads a partial contents of an encrypted content sent by a storing unit by a command. However, the claimed combination of claim 2 does not operate in this manner. The combination of claim 2 does not read content from a command. Instead, the claimed combination obtains operating parameters from a first portion of the external data store responsive to a first event. For example, a first user input may cause the internal controller to read data from a first address in an external memory device so that the operation of the transmitter circuit in a stand-alone mode may be determined by the data stored in the first address of the memory device coupled to the transmitter circuit.

Similarly, the combination relied upon by the examiner fails to teach the limitations of claim 3, which provides for the internal controller to access a second portion of the external data store responsive to a second event. This claimed combination permits, for example, a second user input to cause the internal controller to configure the transmitter circuit for operation using the data stored at a second address in the external memory device.

In re Appln. of Holcombe et al.  
Application No. 10/706,135

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vernon W. Francissen", written over a horizontal line.

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